Sirs:

I am an information technology strategy consultant. I am familiar with the technical issues involved. In addition, I spent almost 20 years of my career working on command and control and air defense systems, so am not against legitimate surveillance in the interest of national security.

I oppose these proposals for the following reasons:

1. It violates the spirit of the Fourth Amendment, by making private communications subject to warrantless monitoring.

2. It places a burden on providers of VoIP providers, and penalizes some implementation methods (those using central serviers) over others (true peer-to-peer implementations, where there is no central monitoring point and no means to implement these regulations).

3. The monitoring of large volumes of communication traffic is subject to the statistical problem of false positives. This will unnecessarily subject innocent parties to scrutiny; without judicial oversight, this will inevitably lead to injustice, since enforcement agencies have strong incentives to capture the few wrongdoers, but only weak incentives to protect the many innocent who are wrongly accused. Even with the purest of intentions, without appropriate checks and balances, this natural bias will not be countered.

4. The wide availability of technical knowledge as well as increased understanding of operational security by terrorist organizations means that these surveillance methods will be ineffective against the threat that they are meant to defend against. Resources devoted to wholesale monitoring would be more effectively deployed in strengthening human intelligence and in the fusion of knowledge already available to government agencies but not properly correlated and analyzed.

The problem is not insufficient volume of information. It is instead a problem of inadequate ability to identify suspicious activity within the information that is currently available, and to protect the innocent who inevitably fall into the net. The further diversion of resources towards even more data collection will only exacerbate this existing, fundamental problem. The way forward is to work smarter, not harder, and to eliminate the bureaucratic barriers and political biases that have contributed to previous intelligence failures.